

AMENDMENT UNDER 37 C.F.R. § 1.114(C)
U.S. Appln. No. 09/829,985

REMARKS

In the present Amendment, claim 1 has been amended to incorporate the subject matter of claim 6, and to further recite --wherein the inorganic filler is at least one selected from the group consisting of talc and zeolite--. This amendment is supported by the specification, for example, at page 7, 2nd and 3rd full paragraphs.

Claims 1, 13, 17 and 18 have been amended to replace “on both sides of layer A comprising amorphous polyolefin, layer B” with --on each side of layer A a layer B, said layer A comprising an amorphous polyolefin, and each of said layers B--.

Claims 15, 17 and 18 have been amended to move the term “directly” immediately after “laminated.”

Claim 8 has been amended to be dependent from claim 1.

Claims 5, 9, 10, 12, 13, 15, 17 and 18 have been amended for clarity.

No new matter has been added, and thus entry of the present Amendment is respectfully submitted to be proper. Upon entry of the Amendment, claims 1, 4-5, 7-13 and 15-18 will be all the claims pending in the application.

In Paragraph No. 3 of the Office Action, claims 1 and 4-18 have been rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite.

Applicants respectfully submit that the amended claims are not indefinite. As mentioned above, in the present Amendment, Applicants have amended claims 1, 13, 17 and 18 to replace “both sides of layer A comprising amorphous polyolefin, layer B” with --each side of layer A a

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layer B, said layer A comprising an amorphous polyolefin, and said layer B--, as suggested by the Examiner.

The word “directly” means that there is no other layer in between the pressure-sensitive adhesive layer and the layer B. The phrase “by rolling” used in the present specification has its ordinary meaning, as described on page 1, line 10 and page 17, line 15. Accordingly, Applicants respectfully submit that one of ordinary skill in the art would clearly understand the terms “directly” and “by rolling” as used by Applicants. Further, Applicants have in the Amendment, amended claims 15, 17 and 18 to move the term “directly” immediately after “laminated,” as suggest by the Examiner on page 2 of the Advisory Action.

In Paragraph No. 1 of the “Note” of the Advisory Action, the Examiner asserts that the last line in Claim 6 is not eligible and the last line of Claim 17 appears missing.

Applicants cannot understand how and why this may be the case. Nonetheless, this rejection is moot, because entry of the Amendment under 37 C.F.R. § 1.116 is not requested.

It is respectfully submitted that the amended claims are fully comply with 35 U.S.C. § 112, and withdrawal of the foregoing rejection is requested.

In Paragraph No. 4 of the Office Action, claims 1, 4-13 and 15-18 have been rejected under 35 U.S.C. §102(b) as allegedly anticipated by or, in the alternative, under 35 U.S.C. §103(a) as allegedly obvious over Yamaoka et al (US 5,616,420).

Applicants respectfully submit that the amended claims are not anticipated or rendered obvious over Yamaoka et al for the following reasons.

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1. **No Anticipation Under 35 U.S.C. § 102(b)**

The present invention is directed to a base film for medical adhesive tape, which is obtained by laminating, on each side of layer A a layer B, said layer A comprising an amorphous polyolefin, and each of said layers B comprising a polypropylene-based resin, wherein one of said layers B contains a thermoplastic elastomer and the other one of said layers B does not contain a thermoplastic elastomer.

On the other hand, Yamaoka et al describes that both of the layers must contain an elastomer and that when the amount of the elastomer is reduced, the film has problems (column 5, line 5 from the bottom to column 6, line 1).

Accordingly, Yamaoka et al does not teach or anticipate the presently claimed invention.

2. **Present Invention is Patentable over Yamaoka et al**

(i) **Differences over Yamaoka et al are Unobvious**

Although the film described in Yamaoka et al may also be used as a base material for a pressure-sensitive adhesive tape, Yamaoka et al indicates that the film is mainly used for packaging. Accordingly, Yamaoka et al aims at keeping the characteristics necessary for a packaging material (i.e, drop impact strength, heat sealability, flexibility and elasticity) excellent.

On the other hand, the film of the present invention is used as a medical adhesive tape. Drop impact strength and heat sealability are not required.

Further, one of the objects of the present invention is to obtain a film having the same characteristics as those of the conventional polyvinyl chloride base material, in particular, to

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obtain a film whose stress relaxation has been improved resulting in relief of stimulation to the skin. However, Yamaoka et al is silent about this object of the present invention.

Still further, the specification of the present invention describes on page 32, lines 1 to 5, that a medical adhesive tape exhibiting an improved performance upon application can be obtained by incorporating a thermoplastic elastomer in one of the layers B.

Accordingly, the present invention differs from Yamaoka et al in objectives and effect. Further, Applicants respectfully submit that one of ordinary skill in the art would not have been motivated to try the constitution of the present invention wherein only one of the outer layers B comprises an elastomer.

(ii) **Present Invention Provides Unexpected Results Relative to Prior Art**

As described on pages 2 and 3 of the present specification, various substitutes for polyvinyl chloride and medical adhesive tapes with the substitutes thereof have been developed. The conventional various substitutes for polyvinyl chloride have sufficient flexibility and strength, but they are not well-balanced in stress and relaxation. It is further described that as a part of constitution to solve the above problems and to impart the properties well-balanced in flexibility, strength and stress relaxation to the conventional substitutes, it is important that an inorganic filler and a thermoplastic elastomer are compounded in layer A.

As described on page 7 of the present specification, lines 19-22, it is preferable that an inorganic filler is added into layer A. In particular, when talc or zeolite is used, the stress relaxation of layer A can be improved without rising the film rigidity. Further, it is described on page 8 of the present specification, lines 14-21, when a thermoplastic elastomer is additional

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used, the compatibility between the inorganic filler and a polypropylene-based resin is improved, and thus a film preventing deterioration in impact resistance, stretch properties, flexibility and transparency can be obtained.

The effect is further demonstrated in the results of the experiments on stress relaxation. Specifically, Examples 1 to 3 having the constitution of claim 1, wherein talc, the filler and the thermoplastic elastomer were added, show excellent stress relaxation, whereas Comparative Examples 2 and 3 wherein a single film was used, show extremely large stress relaxation.

In view of the above, the present invention provides the well-balanced properties imparted by the presence of an inorganic filler, in particular, talc or zeolite and a thermoplastic elastomer in layer A.

Yamaoka et al generally describes that a filler or a thermoplastic elastomer, as an example of additives, can be compounded in each layer. However, Yamaoka et al is silent on the specific effects, in particular, stress relaxation, by compounding a filler and a thermoplastic elastomer, as recited in the present claims. That is, the present invention provides unexpected results.

In view of the above, the Examiner is respectfully requested to reconsider and withdraw the rejection.

3. Response to Specific Points Raised by the Examiner

In Paragraph No. 2 of the “Note” of the Advisory Action, the Examiner asserts that Yamaoka discloses the presently claimed invention, and that it is irrelevant that Yamaoka discloses additional properties.

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Applicants respectfully traverse the Examiner's statement. As set forth above, Yamaoka does not disclose the present invention. Further, Yamaoka et al describes that a laminate can be used as backings for pressure sensitive adhesive tapes. However, as set forth above, it is known that the backings show good characteristics on flexibility and strength, but do not show good stress relaxation as vinyl chloride does.

Therefore, even if a medical adhesive tape is prepared with the film having the constitution as described in Yamaoka et al as a base film, sufficient stress relaxation cannot necessarily be obtained.

The present invention improves the defect.

In Paragraph No. 3 of the "Note" of the Advisory Action, the Examiner asserts that Yamaoka expressly teaches an exception for layer B comprising propylene resin alone, referring to column 2, lines 26-28.

Applicants respectfully disagree for the following reasons.

Yamaoka discloses a three-layer laminate film comprising (A) an intermediate layer and (B) two outer layers, wherein the layer (B) comprising a polyolefin and a thermoplastic styrene elastomer. Yamaoka further discloses that the layer (B) may contain a propylene resin as the polyolefin is suitable for use as a bag for preserving blood platelets (column 2, lines 18-28).

However, Yamaoka does not teach or suggest a laminate film obtained by laminating, on each side of layer A a layer B, said layer A comprising an amorphous polyolefin, and each of said layers B comprising a polypropylene-based resin, wherein one of said layers B contains a

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thermoplastic elastomer and the other one of said layers B does not contain a thermoplastic elastomer, as presently claimed.

Yamaoka does not expressly teach that the layer (B) which contains a propylene resin, but does not contain a thermoplastic styrene elastomer. Contrary to the Examiner's assertion, Applicants submit that such a layer B still contains a thermoplastic styrene elastomer, based on the disclosure of Yamaoka as set forth below.

Yamaoka discloses two aspects of the invention, wherein the only difference is that one contains layers (B) comprising a polyolefin and a thermoplastic styrene elastomer, whereas the other contains layers (B) comprising a propylene resin and a thermoplastic styrene elastomer (column 1, line 62-column 2, line 14).

Yamaoka further discloses that a propylene resin is used in the layer (B) in place of the polyolefin and a third component may be optionally added (column 6, lines 22-28). That is, in this case, in the layer (B), only the polyolefin but not the polyolefin and a thermoplastic styrene elastomer, is replaced with a propylene resin. In other words, the layer (B) comprises a propylene-based resin, a thermoplastic styrene elastomer, and optionally a third component (i.e., the second aspect of Yamaoka).

Still further, Yamaoka discloses that if the styrene content is less than 5% by weight, the blocking resistance tends to decrease on the film surface and lower heat resistance is prone to result (column 5, lines 64-66).

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In the Examples of Yamaoka, a film having a layer (B) comprising ethylene-propylene random copolymer and a hydrogenated styrene/isoprene random copolymer (Example 1), and a film having a layer (B) comprising ethylene-propylene random copolymer only (Comparative Example 2) were compared. The results in Table 2 clearly show that the film having a layer (B) comprising ethylene-propylene random copolymer and a hydrogenated styrene/isoprene random copolymer has superior properties, compared to the film having a layer (B) comprising ethylene-propylene random copolymer only.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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